

Carlos Hernández
Mayor

Vivian Casáls-Muñoz
Council President

Jose F. Caragol
Council Vice President



Council Members
**Katherine Cue-
Fuente**
Isis Garcia-Martinez
Paul B. Hernández
Lourdes Lozano
Carl Zogby

City Council Agenda February 13, 2018 7:00 P.M.

Call to order

Roll Call

Invocation given by Marbelys Fatjo, City Clerk

Pledge of Allegiance to be led by Council President Vivian Casáls-Muñoz

MEETING GUIDELINES

The following guidelines have been established by the City Council:

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**
- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

PRESENTATIONS

1) Swearing-In Ceremony for the following new Hialeah Police Officer hires:

- Kelly Mario Lulay
- Alexandre Schmidt Jr.
- Yadiel A. Casamayor Perez

1. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

2. CONSENT AGENDA

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

- A. Request permission to approve the minutes of the City of Hialeah Council Meeting held on January 23, 2018. (OFFICE OF THE CITY CLERK)
- B. Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a sponsorship agreement with Las Mercedes Management, Inc., in substantial conformity with the agreement attached and made a part hereof as Exhibit "1", to become a Hialeah Pillar Partner and be designated the Official Health and Wellness Partner of the Villa Aida Adult Center, for a term of three years, with the option to renew for an additional three-year term, under similar terms and conditions, for a total sponsorship fee in the amount of \$97,500, a marketing bundle including on-site, media, internet, and direct-mail advertising opportunities, presentation at special events and programs, VIP parking, presenting sponsor at designated events, signage on Hialeah transit buses, in receipt of other promotional items in connection with special events, for the duration of the agreement. (COMMUNICATIONS & SPECIAL EVENTS DEPT.)
- C. Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to renew a sponsorship agreement with Sedano's Management, Inc., in substantial conformity with the agreement attached made a part hereof as Exhibit "1", for a term of three years, commencing on December 1, 2017 through November 30, 2020, under the same terms and conditions in exchange for a total sponsorship fee of \$60,000.00; and providing for an effective date. (COMMUNICATIONS & SPECIAL EVENTS DEPT.)
- D. Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute a professional services agreement between Tusa Consulting Services II, LLC and the City of Hialeah, Florida, in substantial conformity with the agreement attached hereto and made a part hereof as Exhibit "1", to provide professional consulting services including project management and staff training during the

implementation of the City's Public Safety P25 Trunked Radio System upgrade, in an amount not to exceed \$113,107.00; providing for an effective date. (FIRE DEPT.)

- E. Request permission to waive competitive bidding, since it is advantageous to the City, and increase Purchase Order No. 2018-170, issued to Milans Machine Shop & Welding, Inc., for fabricating obsolete parts, tools, equipment and welding for the City, by an additional amount of \$15,000, for a new total cumulative amount not to exceed \$30,000. (FLEET MAINTENANCE DEPT.)
- F. Request permission to utilize Miami Dade County Bid No. 5380-6/14-6 - *OEM Mobile Equipment Parts & Services*, effective through March 31, 2018, and increase Purchase Order No. 2018-18, issued to All Dade Lawnmowers, Inc., by an additional amount of \$15,000, for a new total cumulative amount not to exceed \$30,000. (FLEET MAINTENANCE DEPT.)
- G. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to American Asphalt Equipment Corp., vendor providing the lowest quotation, for drainage installation in various areas of the City, in a total cumulative amount not to exceed \$75,020. (STREETS)
- H. Request permission to waive competitive bidding, since it is advantageous to the City in that the Miami Herald is a newspaper of general circulation in the City of Hialeah as required by law, and increase Purchase Order No. 2018-869, issued to the Miami Herald, for the cost of legal advertisements for the remainder of fiscal year 2017-2018, by an additional amount of \$25,000, for a new total cumulative amount not to exceed \$55,000. (OFFICE OF THE CITY CLERK)
- I. Request permission to waive competitive bidding, since it is advantageous to the City, and increase Purchase Order No. 2018-792, issued to Tranny Tech Inc., vendor providing the lowest quotation, to repair transmissions, by an additional amount of \$25,000, for a new total cumulative amount not to exceed \$40,000.00. (FLEET MAINTENANCE DEPT.)
- J. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Horizon Contractors, Inc., vendor providing the lowest quotation, for concrete work on West 29 Way from 68 Street to 72 Street, in a total cumulative amount not to exceed \$51,041.37. (STREETS)
- K. Request from St. John the Apostle Catholic Church, located at 475 East 4th Street, Hialeah, Florida, for a permit to host a carnival on church grounds from Thursday, March 1, 2018 through Sunday, March 4, 2018, subject to recommendations from the Police Department and Fire Department. Further request permission for a street closure permit for the closing of East 5th Street between 5th and 6th Avenue. (OFFICE OF THE CITY CLERK)
- L. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to American Pavement Corp., vendor providing the lowest quotation, for the restriping of Palm Avenue between West 9th Street to West 21st Street, in a total cumulative amount not to exceed \$19,240. (STREETS)
- M. Report of Scrivener's Error – On January 23, 2018 Ordinance No. 2018-005 was passed

and adopted, to allow for the replatting of the property, for the demolition and construction of a duplex, for property located at 808 East 32 Street, Hialeah, Florida. The ordinance was approved with the words “lot coverage of” having been omitted from the title as follows: 41% WHERE 30%. The ordinance is being amended to reflect the following in the title: *LOT COVERAGE OF 41% WHERE 30%*. (LAW DEPT.)

- N. Proposed resolution urging the School Board and Miami-Dade County to expedite and install school zone traffic control signals, beacons, signs, and lighting, to address the excessive speed of motorists traveling about the West Lakes Preparatory Academy in Hialeah during school. (COUNCILWOMAN GARCIA-MARTINEZ)

3. ADMINISTRATIVE ITEMS

- 3A. Second reading and public hearing of proposed ordinance amending Chapter 98 entitled “Zoning”, Article VI, entitled “Supplementary District Regulations”, Division 5 entitled “Uses”, by adding Subdivision XIII entitled “Prescribed Pediatric Extended Care”, by adding § 98-2034 “Prescribed Pediatric Extended Care”; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for severability; providing for an effective date. (ADMINISTRATION)

<i>Item was approved by the City Council on first reading on January 23, 2018.</i>
<i>Item was approved by the Planning and Zoning Board on January 10, 2018.</i>

- 3B. Second reading and public hearing of proposed ordinance amending Chapter 98 entitled “Zoning”, Article I. entitled “In General”, Section 98-1 Definitions, of the Code of Ordinances of the City of Hialeah, by adding definitions for dental clinic and medical clinic; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for severability; providing for an effective date. (ADMINISTRATION)

<i>Item was approved by the City Council on first reading on January 23, 2018.</i>
<i>Item was approved by the Planning and Zoning Board on January 10, 2018.</i>

- 3C. Second reading and public hearing of proposed ordinance creating a new Article VI, entitled “Special Assessments for Capital Improvements”, in Chapter 86, Taxes and Fees, of the Code of Ordinances of the City of Hialeah, Florida, relating to the funding of capital improvements through the imposition of special assessments; providing the procedure for the imposition of such special assessments; providing definitions; authorizing the imposition and collection of special assessments to fund the cost of capital improvements providing a special benefit to real property within the City; authorizing the creation of assessment areas; providing for the optional and mandatory prepayment of assessments; establishing procedures for notice and adoption of assessment rolls and for correction of errors and omissions; providing that assessments constitute a lien on assessed property upon adoption of the assessment rolls; establishing procedures and methods for collection of assessments, including assessments imposed on government property; authorizing the issuance of obligations secured by assessments; providing that such obligations will not create a general

debt or obligation of the City; providing for severability; providing a savings clause; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; and providing for an effective date. (ADMINISTRATION)

Item was approved by the City Council on first reading on January 23, 2018.

- 3D.** Second reading and public hearing of proposed ordinance amending Chapter 98, entitled “Zoning”, Article VI, entitled “Supplementary District Regulations”, Division 5 entitled “Uses”, Subdivision IX entitled “Residential Care and Treatment Facilities”, by repealing and replacing §§ 98-1986 through 98-1988, respectively entitled “Definitions”, Limited Supervisory Residential Care and Treatment Facilities”, and “Supervisory Residential Care and Treatment Facilities” of the Code of Ordinances of the City of Hialeah, Florida, with updated regulations §§ 98-1986 through 98-1988; and by adding new sections 98-1989 entitled “Community Residential Homes”, Section 98-1990 entitled “Reasonable Accommodation”, 98-1991 entitled “Emergency Power”, and 98-1992, entitled “No Use Variances”; for siting of care and treatment facilities in the City; repealing all prior ordinances in conflict herewith; providing for penalties; providing for severability; providing for inclusion in the code; providing for an effective date. (ADMINISTRATION)

Item was approved by the City Council on first reading on January 23, 2018.

- 3E.** Second reading and public hearing of proposed ordinance banning the operation of Medical Marijuana Treatment Center and Dispensing Facilities; repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (ADMINISTRATION)

Item was approved by the City Council on first reading on January 23, 2018.

- 3F.** First reading of proposed ordinance amending Chapter 22 entitled “Code Enforcement”, of the Code of Ordinances of the City of Hialeah, and in particular, amending Article I, General Provisions, to provide for purpose and definitions; rescinding Article II, “Code Enforcement Board Procedures”; amending Article III, “Enforcement Procedures”, Division 2. “Special Master” requiring bar membership as a qualification for appointment; clarifying terms of appointment, removal; and providing for powers; amending Division 3. “Civil Violation Enforcement Procedures”, substituting the term citation for notice of civil violation; providing for a reasonable time in which to correct civil violations; providing for the content of the notice of civil violation; providing for a schedule of civil penalties for failure to correct, including continuing and repeat violations; creating appeal rights by administrative hearing and providing for a procedure to request and conduct the hearing; creating lien rights in the City for failure to comply with a special master order; providing for reduction of penalties; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. (CODE ENFORCEMENT)

- 3G.** First reading of proposed ordinance amending Chapter 14 entitled “Buildings and Building Regulations”, and in particular, adding a new section 14-9 entitled “Building Relief Program”, providing for the purpose of the Building Relief Program; providing for definitions; providing for an application process and eligibility criteria; providing for enforcement procedures; and providing for fees; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for

inclusion in code; providing for a severability clause; and providing for an effective date.
(CODE ENFORCEMENT)

4. BOARD APPOINTMENTS

- 4A.** Proposed resolution appointing **Enrique Vargas** to the Historic Preservation Board of the City of Hialeah for a three (3) year term ending on February 13, 2021. (MAYOR HERNANDEZ)
- 4B.** Proposed resolution appointing **Fara Alvarez** to the Board of Commissioners of Hialeah Housing Authority of the City of Hialeah, Florida a four (4)-year term ending on February 14, 2022. (MAYOR HERNANDEZ)

5. UNFINISHED BUSINESS

6. NEW BUSINESS

7. COMMENTS AND QUESTIONS

ZONING

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision Item

Attention Applicants:

- Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

PZ 1. Second reading and public hearing of proposed ordinance granting a variance permit on a substandard lot to allow an existing single family residence having a lot area of 5,392 square feet, where 7,500 feet are required; a frontage of 40 feet, where 75 feet are required; all contra to Hialeah Code of Ordinances §§ 98-499; property zoned R-1 (One Family District). **Property located at 53 East 60 Street, Hialeah, Florida.** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Alejandro Izaguirre, 53 East 60th Street, Hialeah, FL 33013*)

Item was approved on first reading by the City Council on January 23, 2018.

Item was approved on first reading by the City Council on January 9th, 2018. Second reading and public hearing was scheduled for January 23, 2018. Item will be reheard on first reading on January 23, 2018 due to the need to re-advertise changes made to the proposed ordinance.

Item was approved on first reading by the City Council on January 9, 2018.

Item was approved by the Planning and Zoning Board on December 13, 2017.

Planner's Recommendation: Approval

Owner of the Property: Alejandro Izaguirre, 53 East 60th Street, Hialeah, FL 33013

PZ 2. Second reading and public hearing of proposed ordinance rezoning property from R-1 (One Family District) to R-2 (One and Two Family Residential District); and granting a variance permit to allow construction of a duplex on two substandard lots: each having a frontage of 50 feet, where 75 feet are required; a total area of approximately 6,750 square feet, where 7,500 square feet are required, and on the corner lot allow an interior west side setback of 5 feet, where 7.5 feet is the minimum required; contra to Hialeah Code of Ordinances §§ 98-544, 98-546, and 98-2056(b)(2). **Property located at 183 East 16 Street, Hialeah Florida.** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Alejandro Vilarello, P.A., 16400 N.W. 59th Avenue, 2nd Floor, on behalf of 16th ST Development, LLC)

Item was approved on first reading by the City Council on January 23, 2018.

Registered Lobbyist: Anthony Escarra, 16400 NW 59 Avenue, 2nd Floor, Miami Lakes, FL.

Item was approved by the Planning and Zoning Board on January 10, 2018.

Planner's Recommendation: Approval

Owner of the Property: 16th ST Development, LLC, 16400 N.W 59 Avenue 2nd Floor, Miami Lakes, FL 33134.

PZ 3. Second reading and public hearing of proposed ordinance granting a variance permit to allow one LED Pylon Sign on property located outside the permitted geographic area; having a distance of 235 feet radius from residential-zoned properties, where a 300 foot radius is required; contra to Hialeah Land Development Code §§ 7-12(b) and (e); property zoned C-3 (Commercial). **Property located at 1650 West 68 Street, Hialeah, Florida;** repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Primera Iglesia Bautista de Hialeah, 1650 West 68 Street, Hialeah, FL 33014.

<i>Item was approved on first reading by the City Council on January 23, 2018.</i>
<i>Registered Lobbyist: Rolando Fontiwba, 2450 NW 77 Terrace, Miami, FL. 33147.</i>
<i>Item was approved by the Planning & Zoning Board on January 9, 2018.</i>
<i>Planner's Recommendation: Approval</i>
<i>Owner of the Property: Primera Iglesia Bautista de Hialeah, 1650 West 68th Street, Hialeah, FL 33014.</i>

PZ 4. Second reading and public hearing of proposed ordinance extending the grant under a Special Use Permit (SUP) pursuant to Ordinance No. 2014-56 that allowed the use of a prefabricated building on property zoned M-1 (Industrial District) for extended period of time not exceeding 42 months from the effective date thereof, namely September 25, 2014, for a temporary sorting facility for the loading and unloading, sorting and distribution of mail packages. **Property located at 6001 East 8 Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: United Parcel Services, Inc. (Mark Welsh), 6001 East 8th Avenue, Hialeah, FL 33013)

<i>Item was approved by the City Council on first reading on January 23, 2018.</i>
<i>Registered Lobbyist: Hillary Hepp, Stephan Barrios, 605 Delaney Avenue, Orlando, FL. 32081</i>
<i>Item was approved by the Planning & Zoning Board on January 9, 2018.</i>
<i>Planner's Recommendation: Approval</i>
<i>Owner of the Property: Mark Welsh, United Parcel Services, 6001 East 8th Avenue, Hialeah, FL. 33013.</i>

PZ 5. First reading of proposed ordinance granting a Conditional Use Permit (CUP) to allow the expansion of an existing school pursuant to Hialeah Code of Ordinances § 98-181; property zoned R-1 (One Family District); **property located at 2590 West 76 Street, 7590 West 24 Avenue, 7400 West 24 Avenue, and 2501 West 74 Street, Hialeah, Florida;** repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: City of Hialeah Education Academy, Inc., 501 Palm Avenue, Hialeah, FL 33010)

<i>Item was approved by the Planning & Zoning Board on January 24, 2018.</i>
<i>Planner's Recommendation: Approval</i>

Owner of the Property: City of Hialeah Educational Academy, Inc., 2590 West 76 St, 2501 West 74 St, 7400 West 24 Avenue, 7590 West 24 Avenue.

PZ 6. First reading of proposed ordinance approving a final plat of Aquabella Section Two; accepting all dedications of avenues or other public ways, together with all existing and future planting of trees; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. **Property bounded and directly adjacent thereto, on the north by a not subdivided portion of the N.W. ¼ of Section 16-52S-40 E. and the South line of the N.W. ¼ of Section 16-52S-40 and; on the South by West 104th Street, West 35th Lane, West 34th Terrace and West 104th Terrace, on the East by State Road #93/1-75 extension, and on the West by West 36th Avenue (a.k.a N.W. 97th Street), Hialeah, Florida.**

Item approved by the Planning and Zoning Board on January 24, 2018.

NEXT CITY COUNCIL MEETING: Tuesday, February 27, 2018 at 7:00 p.m.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, February 27, 2018 at 6:30 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at
(305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).